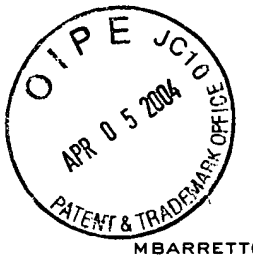

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April 1, 2004

CERTIFICATE OF MAILING
37 C.F.R 1.8

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April 1, 2004 — Date
Michael C. Barrett

MS DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: *U.S. Divisional Patent Application No: 10/751,586 entitled "APPARATUS AND METHOD FOR ELECTROPORATION OF BIOLOGICAL SAMPLES" – by Sergey M. Dzekunov, et al.*
Our Ref. No. MAXC:013USD1

Sir :

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A2, A63, C13, C15, C21-C22, C33, C35, and C43.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MAXC:013USD1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Michael Barrett
Reg. No. 44,523

MCB/cas
Encl: As noted

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Sergey M. Dzekunov et al.

Serial No.: 10/751,586

Filed: January 5, 2004

For: *APPARATUS AND METHOD FOR ELECTROPORATION OF BIOLOGICAL SAMPLES*

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: MAXC:013USD1

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37 C.F.R 1.8

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April 1, 2004 — Date
Michael C. Barrett

INFORMATION DISCLOSURE STATEMENT

MS DD
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MAXC:013USD1.

This application is a divisional application of Serial No. 10/225,446, filed August 21, 2002 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 10/225,446 are enclosed for the convenience of the Examiner.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Michael C. Barrett
Reg. No. 44,523
Attorney for Applicants

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600 Congress Avenue, Suite 2400
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Date: April 1, 2004

Form PTO-1449 (modified)	Atty. Docket No. MAXC:013USD1	Serial No. 10/751,586
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant Sergey M. Dzekunov *et al.*	
	Filing Date: January 5, 2004	Group: Unknown

U.S. Patent Documents	Foreign Patent Documents	Other Art
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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2001/0001064	5/10/01	Holaday	435	173.6	12/14/00
	A2	2003/0170871	9/11/03	Dubensky, Jr. *et al.*	435	235.1	4/25/01
	A3	2,955,076	10/4/60	Gossling			10/4/56
	A4	3,676,325	7/11/72	Smith *et al.*	204	288	6/8/70
	A5	4,075,076	2/21/78	Xylander	204	206	9/30/75
	A6	4,081,340	3/28/78	Zimmermann *et al.*	204	180	1/25/77
	A7	4,192,869	3/11/80	Nicolau *et al.*	424	199	10/17/78
	A8	4,252,628	2/24/81	Boulton *et al.*	204	257	2/23/78
	A9	4,321,259	3/23/82	Nicolau *et al.*	424	101	3/22/79
	A10	4,440,386	4/3/84	Achelpohl	271	70	3/4/82
	A11	4,473,563	9/25/84	Nicolau *et al.*	424	224	11/2/81
	A12	4,476,004	10/9/84	Pohl	204	299	10/26/83
	A13	4,478,824	10/23/84	Franco *et al.*	424	101	8/8/83
	A14	4,622,302	11/11/86	Sowers	435	172.2	8/9/84
	A15	4,652,449	3/24/87	Ropars *et al.*	424	101	10/27/83
	A16	4,663,292	5/5/87	Wong *et al.*	435	287	
	A17	4,695,547	9/22/87	Hilliard *et al.*	435	173	4/2/86
	A18	4,699,881	10/13/87	Matschke	435	173	6/4/86
	A19	4,752,586	6/21/88	Ropars *et al.*	435	287	11/20/86
	A20	4,764,473	8/16/88	Matschke *et al.*	435	287	11/4/86
	A21	4,784,737	11/15/88	Ray *et al.*	204	180.1	4/18/86
	A22	4,800,163	1/24/89	Hibi *et al.*	435	287	12/15/87
	A23	4,804,450	2/14/89	Mochizuki *et al.*	204	299	12/10/86

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	Filing Date: January 5, 2004	**Group:** Unknown

U.S. Patent Documents	Foreign Patent Documents	Other Art
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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A24	4,822,470	4/18/89	Chang	204	299	10/9/87
	A25	4,840,714	6/20/89	Littlehales	204	180.1	5/13/87
	A26	4,849,089	7/18/89	Marshall, III	204	299	2/21/89
	A27	4,849,355	7/18/89	Wong	435	172.3	12/30/87
	A28	4,874,690	10/17/89	Goodrich, Jr. *et al.*	435	2	8/26/88
	A29	4,882,281	11/21/89	Hilliard *et al.*	435	287	8/26/86
	A30	4,906,576	3/6/90	Marshall, III	435	287	5/8/87
	A31	4,910,140	3/20/90	Dower	435	172.3	4/18/88
	A32	4,923,814	5/8/90	Marshall, III	435	173	4/26/89
	A33	4,931,276	6/5/90	Franco *et al.*	424	533	3/13/89
	A34	4,945,050	7/31/90	Sanford *et al.*	435	172.1	11/13/84
	A35	4,946,793	8/7/90	Marshall, III	435	291	12/12/88
	A36	4,956,288	9/11/90	Barsoum	435	172.3	4/22/88
	A37	4,970,154	11/13/90	Chang	435	172.2	8/30/88
	A38	4,995,957	2/26/91	Ziegler *et al.*	204	182.8	5/9/88
	A39	5,007,995	4/16/91	Takahashi *et al.*	204	299	5/11/89
	A40	5,036,006	7/30/91	Sanford *et al.*	435	170.1	8/17/89
	A41	5,043,261	8/27/91	Goodrich *et al.*	435	2	6/2/89
	A42	5,098,843	3/24/92	Calvin	435	287	7/9/90
	A43	5,100,627	3/31/92	Buican *et al.*	422	108	11/30/89
	A44	5,100,792	3/31/92	Sanford *et al.*	435	172.1	1/24/89
	A45	5,114,681	5/19/92	Bertoncini *et al.*	422	111	3/9/90
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U.S. Patent Documents	Foreign Patent Documents	Other Art
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	A48	5,134,070	7/28/92	Casnig	435	173	10/30/90
	A49	5,135,667	8/4/92	Schoendorfer	210	782	6/14/90
	A50	5,137,817	8/11/92	Busta *et al.*	435	173	10/5/90
	A51	5,139,684	8/18/92	Kaali *et al.*	210	748	11/16/90
	A52	5,232,856	8/3/93	Firth	435	287	7/30/90
	A53	5,424,209	6/13/95	Kearney	435	284	3/19/93
	A54	5,501,662	3/26/96	Hofmann	604	20	9/12/94
	A55	5,545,130	8/13/96	Hofmann *et al.*	604	4	10/12/94
	A56	5,612,207	3/18/97	Nicolau *et al.*	435	173.6	3/23/94
	A57	5,676,646	10/14/97	Hofmann *et al.*	604	4	3/14/96
	A58	5,720,921	2/24/98	Meserol	424	44	3/10/95
	A59	5,728,281	3/17/98	Holmström *et al.*	204	403	11/13/96
	A60	6,074,605	6/13/00	Meserol *et al.*	422	33	3/11/96
	A61	6,090,617	7/18/00	Meserol	435	285.2	12/5/96
	A62	6,485,961	11/26/02	Meserol	435	285.2	7/18/00
	A63	6,506,604	1/14/03	Finer *et al.*	435	456	9/04/01

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Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	AU 680890	10/11/94	Austria			
	B2	CA 2,214,800	2/22/02	Canada			
	B3	CN 1195997	10/14/98	China			

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Foreign Patent Documents

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	B4	DE 2405119	9/4/75	Germany			Abstract
	B5	DE 3603029	8/6/87	Germany			Abstract
	B6	DE 4440386	5/15/96	Germany			
	B7	EP 0137504	4/17/85	Europe			
	B8	EP 0343783	11/29/89	Europe			
	B9	EP 0362758	4/11/90	Europe			
	B10	EP 0472772	3/4/92	Europe			
	B11	EP 0798309	10/1/97	Europe			
	B12	JP 1141582	6/2/89	Japan			Abstract
	B13	JP 2131584	5/21/90	Japan			Abstract
	B14	JP 2131585	5/21/90	Japan			Abstract
	B15	JP 2186993	7/23/90	Japan			Abstract
	B16	JP 3195485	8/27/91	Japan			Abstract
	B17	JP 4027393	1/30/92	Japan			Abstract
	B18	JP 62151174	7/6/87	Japan			Abstract
	B19	JP 62171687	7/28/87	Japan			Abstract
	B20	JP 62228277	10/7/87	Japan			Abstract
	B21	JP 62265975	11/18/87	Japan			Abstract
	B22	JP 63141587	6/14/88	Japan			Abstract
	B23	JP 6349068	12/22/94	Japan			Abstract
	B24	JP 7180029	7/18/95	Japan			Abstract
	B25	JP 7320720	12/8/95	Japan			Abstract
	B26	WO 01/24830	4/12/01	PCT			

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Foreign Patent Documents

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	B27	WO 88/04322	6/16/88	PCT			
	B28	WO 89/02464	3/23/89	PCT			
	B29	WO 89/03426	4/20/89	PCT			
	B30	WO 91/18103	11/28/91	PCT			
	B31	WO 94/21117	9/29/94	PCT			
	B32	WO 96/28199	3/11/96	PCT			
	B33	WO 98/24490	6/11/98	PCT			

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"Advanced Coatings for the Medical Industry," Multi-Arc Scientific Coatings, Copyright © Andal Corp.
	C2	"Biological Buffers," In: *The Biological Engineering Handbook*, Bronzino (ed.), CRC Press, pp. 1650, c1995.
	C3	"Ion Bond® 16 Zirconium Nitride Coating," Multi-Arc, Inc., 1996.
	C4	"Ion Bond® 17 Titanium Aluminum Nitride Coating," Multi-Arc, Inc., 1995.
	C5	"Ion Bond® 19 Chromium Nitride Coating," Multi-Arc, Inc., 1995.
	C6	"Ion Bond® Coatings for Instruments, Design Considerations," Multi-Arc, Inc., 1995.
	C7	"Ion Bond® Coatings for Instruments, Most Commonly Asked Questions," Multi-Arc, Inc., 1995.
	C8	"Preparation of certain reagents, anticoagulants and preservative solutions," In: *Practical Haematology*, 5th Edition, Dacie and Lewis (eds.), Appendicies, pp.598, 1975
	C9	"The Ion Bond Network," Multi-Arc, Inc., 1995.

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See Page 1	*See Page 3*	*See Page 5*

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C10	Abatti *et al.*, "Development of a new geometrical form of micropipette: electrical characteristics and an application as a potassium ion selective electrode," *IEEE Trans. Biomed. Eng.*, 39:43-48, 1992.
	C11	Asakami *et al.*, "Materials for electrode of alkali metal thermoelectric converter (AMTEC) (II)," *J. Mater. Sci. Lett.*, 9(8):892-894, 1990.
	C12	Behrndt and Lunk, "Biocompatibility of TiN preclinical and clinical investigations," *Materials Sciences & Engineering*, A139:58-60, 1991.
	C13	Bredenbeek *et al.*, "Sindbus virus expression vectors: packaging of RNA replicaons by using defective helper RNAs," *J. Virol.*, 67(11):6439-6446, 1993.
	C14	Capizzi *et al.*, "Amifostine mediated protection of normal bone marrow from cytotoxic chemotherapy," *Cancer*, 72:3495-3501, 1993.
	C15	Chan *et al.*, "A novel human suspension culture packaging cell line for production of high-titre retroviral vectors," *Gene Therapy*, 8:697-703, 2001.
	C16	Chassy *et al.*, "Transformation of bacteria by electroporation," *Trends in Biotechnology*, 6(12):303-309, 1988.
	C17	Coll *et al.*, "Metallurgical and Tribological modification of titanium and titanium alloys by plasma assisted techniques," *Workshop H Society for Biomaterials Implat Retrieval Symposium*, September 17, 1992.
	C18	Dunican and Shivnan, "High frequency tranformation of whole cells of amino acid producing coryneform bacteria using high voltage electroporation," *Bio/Technology*, 7:1067-1070, 1998.
	C19	Egorov and Noikova, "Effect of phase composition of TiN-Ni sintered electrode materials of characteristics of the ESA process," *Sov. Powder Metall Met. Ceram.*, 29(9):705-710, 1991.
	C20	Einck and Holaday, "Enhancement of tissue oxygenation by intracellular introduction of inositol hexaphosphate by flow electroporation of red blood cells," In: *Tissue Oxygenation in Acute Medicine (Update in Intensive Care and Emergency Medicine, 33)*, Sibbald *et al.*, (eds.), pp. 357-374, c1998.
	C21	Frolov *et al.*, "Alphavirus-based expression vectors: strategies and applications," *Proc. Natl. Acad. Sci., USA*, 93:11371-11377, 1996.

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C22	Frolov *et al.*, "Sindbis virus replicons and sindbis virus: assembly of chimeras and of particles deficient in virus RNA," *J. Virol.*, 71(4):2819-2829, 1997.
	C23	Gersonde and Nicolau, "Enhancement of the O_2 release capacity and of the Bohr-effect of human red blood cells after incorporation of inositol hexaphosphate by fusion with effector-containing lipid vesicles," In: *Origins of Cooperative Binding by Hemoglobin*, 277-282, 1982.
	C24	Gersonde and Nicolau, "Improvement of the red blood cell O_2 release capacity by lipid vesicle-mediated incorporation of inositol hexaphosphate," *Blut*, 39:1-7, 1979.
	C25	Gersonde and Nicolau, "Modification of the oxygen affinity of intracellular haemoglobin by incorporation of polyphosphates into intact red blood cells and enhanced O_2 release in the capillary system," *Biblthca Haemat.*, 46:81-92, 1980.
	C26	Gersonde and Weiner, "The influence of infusion rate on the acute intravenous toxicity of phytic acid, a calcium-binding agent," *Toxicology*, 22:279-286, 1982.
	C27	Hirai *et al.*, "A new antitumor antibiotic, FR-900482" *J. of Antibiotics*, 40/5:607-611, 1987.
	C28	Hofmann and Evans, "Eletronic genetic—physical and biological aspects of cellular electromanipulation," *IEEE Engineering in Medicine and Biology Magazine*, 6-11, 19-22, 1986.
	C29	Kinosita and Tsong, "Voltage-induced conductance in human erythrocyte membranes," *Biochimica et Biophysica Acta*, 554:479-497, 1979.
	C30	Kobayashi *et al.*, "Fabrication of zirconim nitride sintered bodies and the application for electrode materials," *J. Ceram. Soc. Jpn.*, 97(10):1189-1194, (with English summary), 1989 .
	C31	Kullmann *et al.*, "In vitro effects of pentoxifylline on smooth muscle cell migration and blood monocyte production of chemotactic activity for smooth muscle cells: potential therapeutic benefit in the adult respiratory distress syndrome," *Am J. Respir. Cell*, 8:83-88, 1993.
	C32	Kurtz and Gordon, "Transparent conducting electrodes on silicon," *Sol. Energy Mater.*, 15(4):229-236, 1987.
	C33	Lee *et al.*, "Low-glutamine fed-batch cultures of 293-HEK serum-free suspension cells for adenoviurs protection," *Biotechnol. Prog.*, 19(2):501-509, 2003.
	C34	Lehninger (ed.), In: *Principles of Biochemistry*, Chapter 8: 181-194, 1982.

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	Filing Date: **January 5, 2004**	**Group:** **Unknown**

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 3*	*See Page 5*

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
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	C36	Maurer *et al.*, "Reduction of fretting corrosion of Ti-6A1-4V by various surface treatments," *J. Orthop. Res.*, 11:865-873, 1993.
	C37	Merz *et al.*, "Determination of HIV infection in human bone," *Unfallchirurg*, 941:47-49, (with English summary), 1991.
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Form PTO-1449 (modified)	Atty. Docket No. MAXC:013USD1	Serial No. 10/751,586
List of Patents and Publications for Applicant's	**Applicant** Sergey M. Dzekunov *et al.*	
INFORMATION DISCLOSURE STATEMENT		
(Use several sheets if necessary)	**Filing Date:** January 5, 2004	**Group:** Unknown

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 3*	*See Page 5*

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